

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHANCE SLISZ,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-15-209-M
)	
GREER COUNTY,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Petitioner filed a petition for writ of habeas corpus, Doc. 1, and Chief United States District Court Judge Vicki Miles-LaGrange referred the matter to the undersigned Magistrate Judge for initial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B), (C). Based on Petitioner's failure to either pay the filing fee or submit an application for leave to proceed in forma pauperis, the undersigned recommends that the court dismiss the habeas petition without prejudice.

I. Analysis.

On March 2, 2015, the court received Petitioner's petition for writ of habeas corpus. Doc. 1. Petitioner did not send the \$5 filing fee or submit an application for leave to proceed in forma pauperis. The undersigned thus ordered Petitioner to cure the deficiency no later than March 26, 2015. Doc. 4. Petitioner did not comply, and the undersigned sua sponte extended his

deadline to April 21, 2015. Doc. 5. The undersigned cautioned Petitioner that failure to make the \$5 payment or submit an application for leave to proceed in forma pauperis would likely result in the court dismissing his petition. *Id.*

To date, Petitioner has not paid the filing fee, submitted the relevant application, or responded to the court's orders. So, the undersigned recommends that the court dismiss Petitioner's petition without prejudice to refiling. *See* LCvR 3.3(e) ("Failure to pay the filing fees by the date specified, to seek a timely extension within which to make the payment, or show cause in writing by the date specified for payment shall be cause for dismissal of the action without prejudice to refiling.").

II. Recommendation and notice of right to object.


For the reasons set forth above, the undersigned recommends that the court dismiss Petitioner's petition, Doc. 1, without prejudice.

The undersigned advises Petitioner of his right to file an objection to the report and recommendation with the Clerk of this Court by May 17, 2015, in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). The undersigned further advises Petitioner that failure to make a timely objection to the report and recommendation waives the right to appellate review of

both factual and legal questions contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

The court's adoption of this recommendation will terminate the referral in the present case.

ENTERED this 27th day of April, 2015.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE